

## **REMARKS**

Reconsideration is respectfully requested in light of the foregoing Amendment and remarks that follow.

Claims 1-24 are pending in the application, with claims 1, 13, and 17 being the independent claims. Claims 7, 12-13, 17-18, and 20-24 have been amended. No claims have been canceled or added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

### **Rejections under 35 U.S.C. §112 ¶ 2**

Claim 12 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for insufficient antecedent basis. See Office Action, ¶ 10.

Claim 12 has been amended to correct this insufficiency.

Claims 23 and 24 are rejected under 35 U.S.C. §112, second paragraph as being incomplete for omitting essential elements. See Office Action, ¶ 8.

Claim 23 has been amended to correct for this incompleteness. Claim 24 is dependent upon claim 23, and is thus corrected through the correction of its base claim.

Claims 14-24 are rejected under 35 U.S.C. §112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements. See Office Action, ¶ 9.

Claims 17-18 and 20-24 have been amended to more particularly point out the cooperative relationships of the elements. Support for these amendments is found in the specification at page 3, line 4 - page 4, line 24; Figures 7(a) - 7(d), and the originally filed claims.

Applicant respectfully submits that in light of the above-entered amendments the claims satisfy the requirements under 35 U.S.C. §112, second paragraph. These changes are believed to introduce no new matter, and their entry is respectfully requested. Withdrawal of these rejections is respectfully requested.

### **Rejection under 35 U.S.C. §102(e)**

Claims 1-5 and 8-12 are rejected under 35 U.S.C. §102(e) as being anticipated by US Patent No. 6,374,274 B1 issued to Myers et al. (hereinafter “Myers”). See Office Action at ¶ 12. Applicant respectfully traverses the rejection.

#### ***Technical Differences between Myers and the Present Invention***

Myers discloses a content distribution process under which a subscriber or content provider makes available a collection of static content to clients. The content is stored in text/ASCII format on a CD-ROM (source disk) that is attached to a server. See Myers, Figure 1. Text files are formatted in a word processing program using a conversion macro and moved to a network server for distribution to users. See Myers, Figure 4. User access is controlled by user name and password and content delivered can be customized based on the user’s profile or requests. Placeholders are inserted in the converted files that allow certain user information from the database to be inserted in the pages viewed by the user (example “Welcome <user name>”).

In contrast, the present invention provides content creation, distribution and management as well as meeting scheduling tools. The present invention differs from Myers in several respects; many of which are discussed below.

In addition to content creation, distribution and management, the present invention includes content creation, peer review of content, grading of content, decision making, and scheduling of conference sessions at which the content will be presented. See Specification, Figures 5(a)-(f) and 7(a)-(d). The present invention provides database tracking of tasks and statuses, automated correspondence, reports, and other tools to make the above processes more efficient.

The content provided by the system of Myers is static and can only be delivered in a single file. The present invention provides content that is altered by users in what can be an ever-evolving review process. Multiple authors submit their original content over various networked connections. The content is then reviewed by experts, graded, and then either accepted or rejected for publication. The grading and decision information becomes content in addition to the original works submitted by the authors. The present invention facilitates a collaborative process under which authors, reviewers, meeting chairpersons, committee/session chairpersons, and administrative staffs ultimately determine the content to be published. The process can last for an indeterminate amount of time. According to one embodiment, the content is not finalized until the process is finished.

The system of Myers operates on a source file that is a text file. The source file gets imported into the WP program and converted using macros. Myers relies on the subscriber to provide source text files that already contain certain tags needed for the conversion process, for example, tags are needed for special characters and bolded text. See Myers, col. 4, lns. 1-61.

In contrast, the present invention allows authors to copy and paste content from a word processor file into a database file and/or to upload the word processor (WP) file for conversion to

HTML or PDF by the servers of the present invention. The present invention converts the WP file without the author having to insert special tags. Alternatively, if the author enters content into the database field by copy and paste, the author uses the special character palette provided by an embodiment of the present invention to handle special characters rather than having to type in the tags. Unlike Myers, the present invention is not required to utilize WP macros to convert content for online viewing.

Myers teaches providing customized, personalized versions of identical content to each different user. In contrast, the present invention displays the original content and any changes or edits to each different user. In order for the review process of the present invention to be effective, it is important that all parties taking part in the review and decision process are able to view the same content to have a fair review. Different users may be restricted from the content accessible to them based on their role. In one embodiment, for example, authors have immediate access to the system to submit manuscripts and view the status of their manuscript in the peer review process and the meeting chair will generally have access to all the content in the system. The content itself delivered to each user, however, is not personalized or customized for them, rather, it is the journal which is personalized to include of the content requested by the user.

Myers teaches that the subscriber is the sole provider of the content. It does not include author permissions, copyright transfer acknowledgements, other author acknowledgements, and online payments by the authors (as opposed to by readers or subscribers).

In contrast, the present invention includes all of the above. In addition, Myers does not teach how online payment processes integrate with the content providing system. With regards to both “subscribers” and “users”, Myers states that information “is not immediately available to

the subscriber, being subsequently e-mailed (following verification of financial arrangements if desired". See Myers, col. 6, lns. 14-16. In contrast, the present invention is configured to provide immediate access to users based on their position/role. In specific embodiments, where a fee is involved, the present invention allows for payment of the fee directly online and continues access.

Myers teaches a method wherein each user request is accompanied with an authorization code with selected elements of the database uniquely identifying the user. See Myers, col. 7, lns. 5-25. Myers states that this allows for the automatic entry of user name and password in subsequent browser requests directed to the family of web page locations that a user has previously logged into.

In contrast, the present invention does not allow this type of automated entry to the system, and is not limited to the user/password caching features provided by web browsers.

#### ***Rejection applied to the Independent Claim***

As to claim 1, the Examiner contends that Myers teaches the claimed invention including a publishing system. See Office Action at ¶ 14.

In light of the above-described distinctions between Myers and the present invention, Myers does not address nor show examples of several of the elements of independent claim 1. Specifically, Myers neither teaches nor suggests 1) a network connecting said plurality of computers together for communication of data relating to said plurality of documents among said plurality of computers and said database, and 2) a means for publishing a journal of a selected portion of said plurality of documents. See claim 1, elements 3 and 7.

In addition, Myers neither teaches nor suggests a network of computers reviewing and altering documents where the updated documents are provided to databases for continued interaction and/or review and revision. See claim 1, elements 4-6. Myers neither teaches nor suggests the preparing of a journal as claimed and to which users have access as discussed in detail above.

As discussed above, Myers does not show or suggest this publishing system as claimed.

As stated by the Federal Circuit:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged as in the claim.

*Linderman Maschinenfabrik GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). This, the Examiner has not done. Thus, Applicant respectfully submits that independent claim 1 patentably distinguishes over Myers.

In addition, the present invention provides benefits which are not provided by Myers. Specifically, the present invention allows for peer review of content, grading of content, decision making, and scheduling of conference sessions at which the content will be presented. Moreover, the present invention provides tracking of tasks and statuses, automated correspondence, and reports. Since Myers does not provide the features of the present invention, Myers cannot provide the corresponding benefits. Thus, for at least these reasons, and for the reasons discussed above, Applicant respectfully submits that independent claim 1 patentably distinguishes over Myers.

The dependent claims 2-5 and 8-12 are believed to be allowable for at least the reasons described above with respect to the independent claims, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

### **Rejection under 35 U.S.C. §103(a)**

The Examiner presents three obviousness rejections:

1. Claims 6, 7, 13-15, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view of US Patent No. 6,336,124 B1 issued to Alam et al. (hereinafter “Alam”). See Office Action at ¶ 20.
2. Claims 16, 19, and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view Alam, and further in view of US Patent No. 5,706,542 A issued to Ivanov. See Office Action at ¶ 24.
3. Claims 20-22 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Myers in view Alam, and further in view of US Patent No. 5,948,040 A issued to DeLorme et al. (hereinafter “DeLorme”). See Office Action at ¶ 28.

Applicant respectfully traverses these rejections. Applicant respectfully submits that the Examiner has not provided a *prima facie* case for obviousness in any of these three combinations. The following arguments first note the above-stated defects in Myers, and second a detailed discussion of defects in each of the obviousness rejections.

First, Applicant respectfully submits that the above-stated distinctions with respect to Myers apply identically to the rejections combining Myers in view of Alam; Myers and Alam in view of Ivanov; and Myers and Alam in view of DeLorme. The independent claims (1, 13, and

17) have many similarities to which Myers is specifically asserted by the rejections in the Office Action. In light of the arguments put forth above, Applicant's respectfully submit that the obviousness rejections are properly traversed.

For at least the above reasons, Applicant respectfully submits that claims 6-7 and 13-24 are clearly patentable over the applied combinations. Furthermore, the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

Second, with regard to the obviousness rejections, each is discussed in detail.

With respect to the rejection of claims 6, 7, 13-15, and 17-18 with Myers in view of Alam, Applicants respectfully submit that the Examiner has not provided any rationale for why one of ordinary skill in the art would combine Myers and Alam. Applicant reminds the Examiner that the question is not what could be combined, but whether it would be obvious to combine in light of the relevant factors. By long stated rule:

The test for obviousness is not whether the features of one reference may be bodily incorporated into another reference ... Rather, we look to see whether combined teachings render the claimed subject matter obvious.

*In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (CCPA 1979). Applicants respectfully submit that Alam cannot be incorporated into Myers because their teachings conflict. Myers teaches the formatting of content for storage in a network database. Alam teaches the formatting of documents to improve their presentation without a teaching of multiple user access or networked content distribution.

Furthermore, the motivation cited by the Examiner at ¶ 21 of the Office Action that “such a combination would give added flexibility to subscribers, thereby allowing them to publish articles in other formats for their authorized network clients” suffers from hindsight. As stated by the Federal Circuit:

Defining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness.

*Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH*, 139 F.3d 877, 45 USPQ.2d 1977, 1981-82 (Fed. Cir. 1998). The above-stated motivation is not provided by Myers or Alam, and Applicants respectfully submit that it appears as part of the motivation of the claimed invention. See Specification at pages 16-18 discussing various conversion embodiments designed to add flexibility to subscribers, thereby allowing them to publish articles in other formats for their authorized network clients.

With respect to the rejection of claims 16, 19, and 23 with the combination of Myers and Alam in view of Ivanov, Applicants respectfully submit that this combination suffers the same defects discussed above with regard to claims 6, 7, 13-15, and 17-18. In addition, there is no proper motivation provided to combine Ivanov with Myers and Alam. While Ivanov does teach a method for managing participation in the evaluation of documents, nothing in the cited references urges their combination to incorporate the teachings of multiple reviewers with the teachings of Myers or Alam. As discussed above, improper hindsight is revealed by a solution specific combination. Absent the solution, benefits, and apparent motivation provided by the claimed invention, there is nothing that brings the cited references together.

In addition, Ivanov appears to be dealing with a different problem than the claimed invention. The method of Ivanov is to construct a feed-forward synchronization schema that provides reviewers with access to documents based on distinct and hard-coded stages in the review process, where “[e]ach reviewer is notified at the time appropriate for his/her role via electronic email by a workflow manager.” See Ivanov, Abstract. In contrast, the claimed invention is a robust construction that provides access to content, as well as the changes made by users/reviewers, and allows for simultaneous review and comment, which are neither taught nor suggested by Ivanov.

With regard to claims 20-22 and 24, which are rejected by the combination of Myers and Alam in view of DeLorme, Applicants respectfully submit that this combination suffers the same defects discussed above with regard to claims 6, 7, 13-15, and 17-18. In addition, there is no proper motivation provided to combine DeLorme with Myers and Alam. While DeLorme does teach a method for travel reservation information and planning system, nothing in the cited references urges their combination to incorporate the teachings of selectable travel itineraries with the teachings of Myers or Alam. As discussed above, improper hindsight is revealed by a solution specific combination. Absent the solution, the benefits, and the apparent motivation provided by the claimed invention, Applicant respectfully submits that there is nothing that brings the cited references together.

In addition, DeLorme appears to be different approach than the claimed invention. The method of DeLorme is for a user to view multiple information sources in order to construct a final travel plan. See DeLorme, Abstract. In contrast, the claimed invention is a robust construction that provides multiple users with access to content, as well as the changes made by

users/reviewers, and allows for simultaneous review and comment, which are neither taught nor suggested by DeLorme.

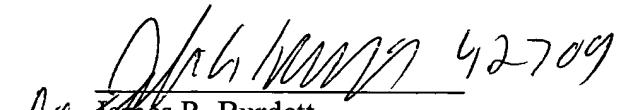
For at least the above reasons, Applicant respectfully submits that the obviousness rejections are improper and properly traversed. Claims 6-7 and 13-24 are believed to be patentable over the applied combinations. Furthermore, the claims depending from the independent claims are believed to be allowable for at least the reasons described above, and further in view of their own respective features. Withdrawal of the rejection is respectfully requested.

## **Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

  
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